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OFFICE OF PETITIONS

In re Application of :
Louis R. Degenaro et al. :
Application No. 10/665,564 : **DECISION ON PETITION**
Filed: September 22, 2003 :
Attorney Docket No. YOR920030126US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed December 19, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 41.37(b). As no claim was allowed, the application became abandoned on February 20, 2007. See MPEP 1215.04. A Notice of Abandonment was mailed on August 23, 2007.

As authorized the petition fee of \$1,500 was charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Appeal Brief, with the fee of \$500, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2165 for appropriate action in the normal course of business on the Appeal Brief received September 24, 2007.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is positioned above the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions